<center>REMARKS</center>

In the Office Action dated October 19, 2007 (originally April 4, 2007), claims 1-12 and 14-17 were pending. Claims 1-12 and 14-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Shane* (U.S. Patent No. 5,793,972). Applicants respectfully traverse this rejection, and further reassert their arguments from previous amendments.

Furthermore, independent Claim 1 requires:

A messaging system comprising a messaging engine for operating under user instructions to generate and transmit messages addressed to recipient contacts; characterized in that the system comprises a server comprising:

> *a client interface (4) comprising means for allowing access by a plurality of users of registered clients;*

> *a client manager (2) comprising means for maintaining a database of registered clients;*

> *a content manager (25) comprising means for receiving content items uploaded from users and for storing said content in a content database (26, 27, 29);*

> *means in the content manager (25) for selecting content items for a message;*

> *means in the messaging engine (21) for generating and sending a message with links to selected content items in the content database;*

> *a response management function (22) comprising means for monitoring a response from a recipient contact using said links, wherein the response management function is configured to automatically capture and record each action the recipient contact takes in the message;*

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a build function (20) comprising means for building content for the
responding recipient contact according to the links used by said
contact to respond; and

means in the response management function (23) for sending the built
content to the responding recipient contact,

wherein the messaging engine comprises means for:

receiving a message generated by a user locally using an external
messaging application; and

parsing said message and generating a message having a wrapper
with links to content of the content database according to the
parsing.

In regards to the element of: *a content manager (25) comprising means for
receiving content items uploaded from users and for storing said content in a content
database (26, 27, 29)*, it was asserted that this element was found in Shane (FIG. 1 # 42;
C 3 L 56 through C 4 L 65). However, there is no mention of uploading content items and
storing them in a database in this cited section of the reference. This element is missing
from Shane.

Furthermore, in regards to the element of: *means in the content manager (25) for
selecting content items for a message*, note that the content items were uploaded and
stored in the content database. While Shane inserts content items into messages, it is not
done from a content database, and the reuse of the term "*content items*" requires that not
just any content items be selected, but rather that content items uploaded and stored in the
content database be selected (MPEP § 2173.05(e); *Landis on Mechanics of Claim
Drafting* § 3:11). This element is missing from Shane.

Furthermore, in regards to the element of: *means in the messaging engine (21) for generating and sending a message with links to selected content items in the content database*, Shane does not show "*sending*" a "*message*", as those words are typically defined, but rather, letters and the like are printed (FIG. 1 # 25; FIG. 4A #108) and mailed (FIG. 1 # 26, #28; FIG. 4A #110). Furthermore, the links are for a specific recipient, and not to specific content (FIG. 4C #136, #138; FIG. 4D #142; C 2 LL 59-60; C 4 LL 36-39, LL 44-47). This element is thus missing from Shane.

Furthermore, in regards to the element of: *a response management function (22) comprising means for monitoring a response from a recipient contact using said links, wherein the response management function is configured to automatically capture and record each action the recipient contact takes in the message*, there is no mention, suggestion, or teaching of automatically capturing and recording each action the recipient contact takes in the message. In the present specification, this element is described as: "*The response management function 22 in step 49 records each action the recipient takes in the response message, for example, clicking a link or viewing referenced content*" (P 18 LL 24-27). The cited section of Shane (FIG. 1 ## 19, 20, 34, 18, 16; C 3 L 56 through C 4 L 65) in the Office Action does not describe, suggest, or teach this element, nor were applicants able to find it anywhere in Shane. The explanation in the Office Action that "*a build function (20) comprising means for building content for the responding recipient contact according to the links used by said contact to respond*" fails to even address this element of automatically capturing and recording each action the recipient contact takes

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in the message added in the previous amendment. Therefore, this element is missing from Shane.

Furthermore, as to the element of: "*wherein the messaging engine comprises means for: receiving a message generated by a user locally using an external messaging application; and parsing said message and generating a message having a wrapper with links to content of the content database according to the parsing*", it was asserted in the Office Action that the "*Examiner interprets an external messaging application [that] could be AOL, Yahoo, or Hotmail*". That is uncontroversial, since these applications send email (e.g. are email clients), and, indeed, do little else. However, the Examiner then goes on to assert that he "*interprets [that] this can be a Web page containing a URL or link to a web portal (note: Examiner interprets a web portal as a web portal is a web site that provides a starting point, a gateway, or portal, to other resources on the Internet or an intranet)*". AOL, Yahoo, and Hotmail are email clients. There is no mention, suggestion, or teaching in Shane for receiving email sent by those email clients. They utilize SMTP protocol (typically on IP port 25) to send and receive email. There is no mention, suggestion, or teaching in Shane about receiving SMTP protocol messages. On the other hand, Shane does include a web server, which transmits and receives http messages (typically on IP port 80). Thus the examiner suggests that Shane receives email (via SMTP protocol on port 25) and responds with web pages (via HTTP protocols on port 80). This is inoperable, since HTTP/web clients, such as Internet Explorer, Netscape, Mozilla, Firefox, or Safari, only "*pull*" web pages, and are not the recipients of "*pushed*" pages. Thus, this element is missing in the Shane reference.

Furthermore, the Examiner never explains how (email) messages received from AOL, Yahoo, Hotmail, or other email clients can be parsed (especially since Shane shows no mechanism to receive email). Furthermore, the content in the content database has been uploaded from users and stored in the content database (see above). At best, it could be argued that Shane shows URLs. Nevertheless, there is no mention or suggestion that the URLs could be local, and even if they were local, they would not be to content uploaded from a user and stored in the content database. Thus, this element is missing from the Shane reference.

Claim 15 is an independent method claim implementing comparable steps to the apparatus elements in Claim 1. The examiner used identical arguments for rejecting this claim as he used for Claim 1, and applicants rebut those arguments similarly to his arguments made for Claim 1.

Applicants therefore respectfully submit that significant claimed elements are missing from the Shane reference and that the Shane reference, as interpreted by the Examiner would be inoperable, that a prima facie case for rejection has therefore not been made, that this rejection of these claims is improper, and request that it be withdrawn. All remaining claims are dependent upon these two independent claims, and are therefore allowable for the same reasons.

Furthermore, as regards Claim 2, it was asserted that Shane shows storing profile attributes for content items and selecting content items according to those attributes. There is no mention, suggestion, or teaching in the cited section of Shane for this

element. Rather, the cited section of Shane merely shows recipient addressing information, and all that is done with that information is to insert it into mail. There is no mention, suggestion, or teaching that it is used to select content items (stored in the content database) based on this information. This element is therefore missing in Shane.

Furthermore, as regards to Claim 5, the cited section of Shane shows retrieving recipient data from a recipient database. There is no mention, suggestion, or teaching of selecting content by matching profile attributes of a contact with profile attributes of content items. This element is therefore missing in Shane.

Furthermore, as regards Claim 8, it was asserted that "*Examiner interprets the Recipient Database as the database of wrappers and the URL as the wrapper, which comprises the links*". There is no mention, suggestion, or teaching of storing wrappers in the Shane recipient database. And, indeed, the closest that the cited section can be seen to be is that unique personal ids are stored in a recipient database, and then later converted to URLs. But notably, the URLs are not stored there. Besides, a URL is not a wrapper and the URL does not contain links to content items in the content database.

Furthermore, as regards to claim 9, the assertion that a contact may be an organization does not group contacts at various levels. The presently claimed invention allows a user to send to all members of a higher level by selecting just that higher level. The operative verb in the claim is "*group*" and the asserted interpretation does not "*group*" recipients.

For all these reasons, these additional elements are also missing from Shane. Furthermore, all of the dependent claims are dependent upon the independent claims

argued above. Applicants respectfully suggest that a prima facie case of anticipation has not been made for the dependent claims, that a rejection of these claims is improper, and request that it be withdrawn.

Applicants believe that the above-identified application is now in condition for allowance and such action is respectfully requested.

If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

Respectfully submitted,
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